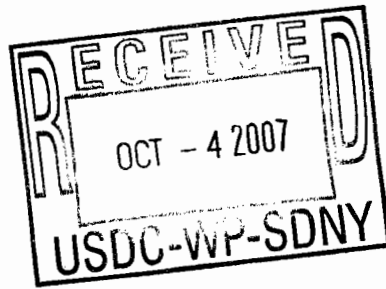


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**MEMO ENDORSED**

October 3, 2007

**VIA FEDERAL EXPRESS AND FACSIMILE: 914.390.4152**

The Honorable Judge Kenneth M. Karas  
United States Court Southern District of New York  
United States Courthouse  
300 Quarropas St., Chambers 533  
White Plains, NY 10601-4150

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DATE FILED: \_\_\_\_\_

**Re: *Noble v. Career Education Corporation* (Case No. 7:07-cv-05832-KMK-GAY)  
(S.D.N.Y.)**

Dear Judge Karas:

We represent the Defendant Career Education Corporation ("CEC" or "Defendant") in the above-referenced lawsuit. On October 3, 2007, Kirsten Milton Evans, a Morgan, Lewis & Bockius, LLP ("Morgan Lewis") associate, was granted permission by this Court's clerk, Alicia, to send this correspondence via facsimile.

On September 18, 2007, CEC filed a Motion to Dismiss Plaintiff Emilio Noble's New York Correction Law Claim ("Motion to Dismiss") in lieu of filing an answer [Docket ## 8-9], while simultaneously submitting a pre-motion conference letter. On September 28, 2007, Plaintiff Emilio Noble filed his Memorandum of Law in Opposition to Defendant's Motion to Dismiss [Docket #11]. On September 28, 2007, this Court denied Defendant's Motion to Dismiss "without prejudice for failure to comply with the Court's individual Practices" and ordered Plaintiff to respond to the letter by October 3, 2007. On October 2, 2007, Plaintiff's counsel responded to the letter stating that he did "not object to the resolution of this motion without a pre-motion conference." On October 3, 2007, Alicia informed Ms. Evans that the Court had signed an Order scheduling a pre-motion conference on Defendant's Motion to Dismiss for November 16, 2007.

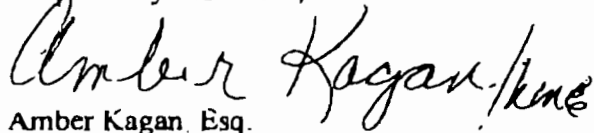
In light of the above events, and as a precautionary measure, we are sending this correspondence to confirm Defendant's understanding that it is not required to respond to Plaintiff's complaint in any manner. If this is not the case, Defendant's respectfully request the Court's guidance on this issue.

**Morgan Lewis**  
COUNSELORS AT LAW

October 3, 2007  
Page 2

Thank you for your attention to this matter.

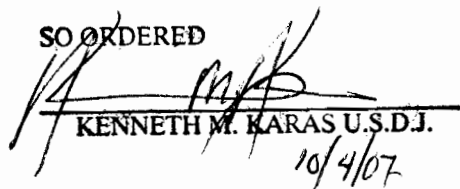
Respectfully submitted,

  
Amber Kagan, Esq.

cc: Stephen Bergstein, Esq.  
Kirsten Milton Evans, Esq.

Defendant CEC's time to answer the  
Complaint is stayed until November 16, 2007.

SO ORDERED

  
KENNETH M. KARAS U.S.D.J.  
10/4/07